

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1264 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-24-15-6.5, AS AMENDED BY P.L.215-2001,
- 4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2004]: Sec. 6.5. (a) The court shall grant a petition for a
- 6 restricted driving permit filed under this chapter if all of the following
- 7 conditions exist:
- 8 (1) The person was not convicted of one (1) or more of the
- 9 following:
- 10 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
- 11 or a Class D felony or a Class C felony under IC 9-30-5-4 after
- 12 June 30, 1996.
- 13 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996,
- 14 or a Class C felony or a Class B felony under IC 9-30-5-5 after
- 15 June 30, 1996.
- 16 (2) The person's driving privileges were suspended under
- 17 IC 9-30-6-9(b) or IC 35-48-4-15.
- 18 (3) The driving that was the basis of the suspension was not in
- 19 connection with the person's work.
- 20 (4) The person does not have a previous conviction for operating
- 21 while intoxicated.
- 22 (5) The person is participating in a rehabilitation program certified

by either the division of mental health and addiction or the Indiana judicial center as a condition of the person's probation.

(b) The person filing the petition for a restricted driving permit shall include in the petition the information specified in subsection (a) in addition to the information required by sections 3 through 4 of this chapter.

(c) Whenever the court grants a person restricted driving privileges under this chapter, that part of the court's order granting probationary driving privileges:

(1) shall not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9; or

(2) notwithstanding IC 9-30-6-9, shall take effect immediately if the person consents to the issuance of an order by the court prohibiting the person from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

An ignition interlock device is required as a condition of probationary driving privileges under subdivision (2) for the entire duration of the probationary driving privileges."

Page 5, line 10, after "may" insert ", as an alternative to a license suspension under subsection (c)(1),".

Page 5, between lines 33 and 34, begin a new paragraph and insert:
"SECTION 8. IC 9-30-6-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 8.7. (a) A person commits a Class B infraction if the person:**

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under section 8(d) of this chapter.

(b) A person commits a Class B misdemeanor if the person:

(1) operates a motor vehicle without a functioning certified ignition interlock device; and

(2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under section 8(d) of this chapter."

Page 9, after line 39, begin a new paragraph and insert:

"SECTION 15. IC 9-30-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 5. (a)** If the court enters an order conditionally deferring charges under section 3 of this chapter, the court may do the following:

(1) Suspend the person's driving privileges for at least two (2) years but not more than four (4) years.

(2) Impose other appropriate conditions, including the payment of fees imposed under section 8 of this chapter.

(b) Notwithstanding IC 9-30-6-9, the defendant may be granted probationary driving privileges only after the defendant's license has been suspended for at least one (1) year.

(c) If a defendant has at least one (1) conviction for an offense under IC 9-30-5, the order granting probationary driving privileges under subsection (b) must prohibit the defendant from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(d) If a defendant does not have a prior conviction for an offense under IC 9-30-5, the court may, as an alternative to a license suspension under subsection (a)(1), issue an order prohibiting the defendant from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. An order requiring an ignition interlock device must remain in effect for at least two (2) years but not more than four (4) years.

SECTION 16. IC 9-30-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) If the court refers a defendant to the program under section 6 of this chapter, the court may do the following:

(1) Suspend the defendant's driving privileges for at least ninety (90) days but not more than four (4) years.

(2) Impose other appropriate conditions.

(b) The defendant may be granted probationary driving privileges only after the defendant's license has been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) If a defendant has at least one (1) conviction, including a conviction for the instant offense, for an offense under IC 9-30-5, the order granting probationary driving privileges under subsection (b) must prohibit the defendant from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(d) If a defendant does not have a prior conviction for an offense under IC 9-30-5, the court may, as an alternative to a license suspension under subsection (a)(1), issue an order prohibiting the defendant from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. An order requiring an ignition interlock device must remain in effect for at least two (2) years

1 **but not more than four (4) years.**

2 SECTION 17. IC 9-30-9-7.5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2004]: **Sec. 7.5. (a) A person commits a Class B infraction if the**
5 **person:**

6 **(1) operates a motor vehicle without a functioning certified**
7 **ignition interlock device; and**

8 **(2) is prohibited from operating a motor vehicle unless the**
9 **motor vehicle is equipped with a functioning certified ignition**
10 **interlock device under section 5(d) or 7(d) of this chapter.**

11 **(b) A person commits a Class B misdemeanor if the person:**

12 **(1) operates a motor vehicle without a functioning certified**
13 **ignition interlock device; and**

14 **(2) knows the person is prohibited from operating a motor**
15 **vehicle unless the motor vehicle is equipped with a**
16 **functioning certified ignition interlock device under section**
17 **5(d) or 7(d) of this chapter.**

18 SECTION 18. IC 12-23-5-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 5. (a)** Subject to
20 subsection (b), if a court enters an order conditionally deferring charges
21 that involve a violation of IC 9-30-5, the court shall do the following:

22 **(1) Suspend the defendant's driving privileges for at least ninety**
23 **(90) days but not more than two (2) years.**

24 **(2) Impose other appropriate conditions.**

25 **(b) A defendant may be granted probationary driving privileges only**
26 **after the defendant's license has been suspended for at least thirty (30)**
27 **days under IC 9-30-6-9.**

28 **(c) If a defendant has at least one (1) conviction for an offense**
29 **under IC 9-30-5, the order granting probationary driving**
30 **privileges under subsection (b) must prohibit the defendant from**
31 **operating a motor vehicle unless the motor vehicle is equipped**
32 **with a functioning certified ignition interlock device under**
33 **IC 9-30-8.**

34 **(d) If a defendant does not have a prior conviction for an**
35 **offense under IC 9-30-5, the court may, as an alternative to a**
36 **license suspension under subsection (a)(1), issue an order**
37 **prohibiting the defendant from operating a motor vehicle unless**
38 **the motor vehicle is equipped with a functioning certified ignition**
39 **interlock device under IC 9-30-8. An order requiring an ignition**
40 **interlock device must remain in effect for at least two (2) years**
41 **but not more than four (4) years.**

42 SECTION 19. IC 12-23-5-5.5 IS ADDED TO THE INDIANA
43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2004]: **Sec. 5.5. (a) A person commits a Class B infraction**

- 1 **if the person:**
2 **(1) operates a motor vehicle without a functioning certified**
3 **ignition interlock device; and**
4 **(2) is prohibited from operating a motor vehicle unless the**
5 **motor vehicle is equipped with a functioning certified ignition**
6 **interlock device under section 5(d) of this chapter.**
7 **(b) A person commits a Class B misdemeanor if the person:**
8 **(1) operates a motor vehicle without a functioning certified**
9 **ignition interlock device; and**
10 **(2) knows the person is prohibited from operating a motor**
11 **vehicle unless the motor vehicle is equipped with a**
12 **functioning certified ignition interlock device under section**
13 **5(d) of this chapter."**

14 Renumber all SECTIONS consecutively.

(Reference is to HB 1264 as printed January 23, 2004.)

Representative Dvorak